

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8790 of 2022

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Dhirendra Kumar Trivedi Son of Late Yogendra Trivedi Resident of Mohalla- Rajendra Nagar, Road No.- 1E, P.S.- Kadamkuan, District- Patna, at present Practicing in the Hon'ble Patna High Court.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-Cum- the Principal Secretary Health Department, Govt. of Bihar, Patna.
3. The Managing Director Bihar Medical Services and Infrastructure Corporation Ltd.
4. The General Manager Procurement Bihar Medical Services and Infrastructure Corporation Ltd.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh, Advocate
For the Respondent/s : Mr.S. D. Yadav (AAG- 9)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 24-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) For quashing the notice inviting Tender Ref. No. BMSIC/MSPBHD/22 -01 dated 04.02.2022 Annexure -1 for selection of Managed Service Provider for Bihar State Health Digitization or to keep said Notice Inviting Tender in abeyance by which and whereunder Tender Issuing Authority, the Bihar Medical Service and infrastructure Corporation Limited hereinafter referred to BMSICL has decided to adopt the procedure quality and cost based selection hereinafter referred to as QCBS and has purposely, deliberately and with vested interest incorporated some of the clause in Technical Evaluation criteria in order to select the bidder of their own choice contrary to Rule 131 of Bihar Financial Rule Vols 1 and II which govern the Tender process and it would cause irreparable monetary loss to the State and would restrain/debar the best suited bidder from selection.

(ii) . for any other relief or relief(s) for which the petitioner is found entitled to in the facts and circumstances of the case.

Petitioner has filed this writ petition in the nature of public interest litigation for setting aside the notice inviting tender dated 4.2.2022 issued by Bihar Medical Service and Infrastructure Corporation Limited. It is alleged that certain clauses in the NIT has been inserted in order to select the bidder of their choice.

The issue raised does not concern any public interest nor terms and conditions of NIT can be a subject matter of public interest litigation. Accordingly, this writ petition is dismissed. However, it shall always be open for an aggrieved party/person to approach this Court or any appropriate forum, if he is aggrieved by any of the terms and conditions of NIT which is tailor made to favour some of the bidders.

(Sanjay Karol, CJ)

veena/rajiv-

(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	